

**REMARKS**

Claims 1-11, 14, 17, 18, 20 and 21 are pending in the present application. Claims 12-13, 15-16 and 19 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Claims 1, 17 and 18 are independent claims.

**Claim Rejections – 35 U.S.C. §103**

Claims 1-11, 14, 17-18 and 20-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kato et al. (U.S. 2002/0145702) ("Kato") in view of Frimout et al. (U.S. 2005/0174666) ("Frimout") and further in view of Tsumagari et al. (U.S. 2004/0126095) ("Tsumagari"). Reconsideration of these rejections as they may apply to the remaining claims, as amended, is respectfully requested.

Claim 1 is directed to a method of creating a playback control file that, when generally described, allows for the playback of information that includes both original data recorded on an optical disc and additional data that is obtained from an external source. In the recited method, a first Playlist identifies a download list from the optical disc where the download list has at least one additional clip downloadable from an external source. The downloadable clip identified in the first Playlist includes not only management information but also additional data necessary to represent a complete data file. Thus, a second Playlist is created based on the first Playlist where the second Playlist includes a play item designating the at least one additional clip designated by the download list (as imported from an external source) and stored in the local storage. Thus, the method contemplate playback control of a file that includes the combination of original data stored on the optical disc as well as data downloaded from an external source using the same Playlist. This method is not contemplated nor suggested by the combination references set forth by the Examiner.

First, the Examiner relies on Kato et al. as teaching a substantial portion of claim 1. However, Kato et al., in contrast to the method recited in claim 1, is directed to the playback of information on an optical disc alone. In Kato et al., there are two types of Playlist. A real Playlist that has one to one correspondence with clip information and clip AV streams. In addition, virtual Playlist are also created that have in points and out points that are not related to the Playlist. The virtual Playlist may thus access clip information and clip AV stream that span one or more real Playlists. However, Kato et al., does not contemplate the playback of information using either a real Playlist or a virtual Playlist where the information is derived not only from the optical disc, but also from an external source and stored in a local memory.

To cure the deficiencies in the primary reference, the Examiner relies on Frimout et al. However, the secondary reference is also incapable of teaching the method as recited in claim 1. With reference to Paragraphs [0008] – [0011] of the reference, management data associated with information recorded on a dvd may be stored on a storage medium or a storage means different from that at least one record medium. However, the secondary reference does not contemplate the reproducing of information using both data stored on the optical disc as well as clip information stored in a local storage. Thus, even if the references interpreted to have management information stored on a recording medium itself, it does not contemplate having a combination of management control information stored on the optical disc as well as in a local memory in order to affect the reproduction of data. As such, the secondary reference is incapable of curing the deficiencies in Kato et al.

For the first time, the Examiner has also cited to Tsumagari et al. as teaching an enhanced dvd reproduction process for additional data/content or downloaded and stored in a Buffer Portion 57. The Examiner relies upon the combination of Kato et al.

and Frimout, with the Tsumagari reference to conclude that it would have been obvious to record downloaded content in a location other than optical disc so as to save space. However, this new reference also fails to teach the concept of affecting playback of information where both the control information and associated data are recording two separate locations and bound together. There is no discussion of creation of a second Playlist, as recited in claim 1, that is capable of affecting playback of information that is both contained on the optical disc as well as stored in temporary storage.

For at least these reasons, the Applicant submits that the current combination of references fails to support the current rejection under section 103.

In response to Applicant's previous arguments, the Examiner cites the Paragraphs 0008 – 0016 of the Frimout reference to conclude that the management data format can be recorded on the same recording medium as that of the recording data. However, the Examiner fails to appreciate Applicant's previous arguments in that the second Playlist represents a binding of both control information as well as AV data for enabling the playback of information that is recorded on both the optical disc and as stored in the local storage. None of the references, neither alone nor separately, teach the creation of a second Playlist based on a first Playlist, that enables a user to bind information together that is stored both on the optical disc as well as in a local storage for affecting playback.

**< Remainder of Page Left Intentionally Blank >**

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-11, 14, 17, 18, 20 and 21 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By: 

Terry L. Clark, Reg. No. 32,644  
P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

TLC:lds